

12.09.2023
M/L 19
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3626 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bagdah P. S. Case No.316 of 2023 dated 14.05.2023 under Sections 419/498/313/406/323/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act (G.R. Case No.1496 of 2023).

In the matter of : Najirul Sk and others

... Petitioners

Mr. Kumar Jyoti Tewari,
Mr. Manas Kumar Das,
Mr. Amrit Sinha,
Mr. Aniruddha Tewari

... for the petitioners

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas

... for the State

1. Heard learned advocate for the petitioners and learned advocate for the State at length.
2. The present petitioner no.1 is the husband of the informant and the petitioner nos.2 to 8 are his family members.
3. On perusal of the entire materials as placed before this court, it reveals that admittedly there are statements of the witnesses as recorded under Section 161 Cr.P.C. that the present informant was subjected to torture, both physical and mental on account of additional demand of dowry by her husband and others who are the petitioners before this court. It, however, reveals that such allegations are basically omnibus in nature.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. Case No.1496 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The applications being CRM(A) 3626 of 2023 is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)